



PUBLIC NOTICE

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EFFECTIVE DATE ANNOUNCED FOR RULES GOVERNING FRANCHISING AUTHORITY REGULATION OF CABLE OPERATORS

MB Docket No. 05-311

Effective Date: September 26, 2019

On August 1, 2019, the Commission in its *Third Report and Order* in MB Docket No. 05-311¹ adopted rules governing how local franchising authorities (LFAs) may regulate cable operators and cable television services, with specific focus on issues remanded from the United States Court of Appeals for the Sixth Circuit in *Montgomery County, Md. et al. v. FCC*.² In the *Order*, the Commission concluded that: (i) cable-related, “in-kind” contributions required by a cable franchise are franchise fees subject to the statutory five percent cap on franchise fees in section 622 of the Communications Act, with limited exceptions, including an exemption for certain capital costs related to public, educational, and governmental access channels; (ii) under Title VI of the Act, LFAs may not regulate the provision of most non-cable services, including broadband Internet access service, offered over a cable system by an incumbent cable operator; (iii) the Act preempts any state or local regulation of a cable operator’s non-cable services that would impose obligations on franchised cable operators beyond what Title VI of the Act allows; and (iv) Commission requirements that concern LFA regulation of cable operators should apply to state-level franchising actions and state regulations that impose requirements on local franchising.

The rules adopted in the *Order* become effective thirty days after the date of publication in the Federal Register.³ The Federal Register published a summary of the *Order* on August 27, 2019.⁴ Accordingly, the rules adopted in the *Order* will take effect on September 26, 2019.

For additional information on this proceeding, contact Maria Mullarkey or Raelynn Remy of the Media Bureau, Policy Division, at Maria.Mullarkey@fcc.gov, Raelynn.Remy@fcc.gov, or (202) 418-2120.

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¹ *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992*, MB Docket No. 05-311, Third Report and Order, FCC 19-80 (rel. Aug. 2, 2019) (*Order*).

² *Montgomery County, Md. et al. v. FCC*, 863 F.3d 485 (6th Cir. 2017).

³ See *Order* at 65, para. 125.

⁴ See 84 FR 44725 (Aug. 27, 2019), <https://www.federalregister.gov/documents/2019/08/27/2019-18230/local-franchising-authorities-regulation-of-cable-operators-and-cable-television-services>.